

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

OMAR SEGURA,

Plaintiff,

v.

COELHO,

Defendant.

Case No. 1:23-cv-00780-JLT-BAM (PC)

**ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE**

(ECF No. 44)

TWENTY-ONE (21) DAY DEADLINE

Plaintiff Omar Segura (“Plaintiff”) is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendant Coelho (“Defendant”) for excessive force in violation of the Eighth Amendment.

On May 14, 2025, Defendant filed a motion for summary judgment on the grounds that the undisputed facts establish that Defendant did not use excessive force against Plaintiff. (ECF No. 44.) In the motion, Plaintiff was provided with notice of the requirements for opposing a motion for summary judgment. *Woods v. Carey*, 684 F.3d 934 (9th Cir. 2012); *Rand v. Rowland*, 154 F.3d 952, 957 (9th Cir. 1988); *Klinge v. Eikenberry*, 849 F.2d 409, 411–12 (9th Cir. 1988). (ECF No. 44-1.) Pursuant to Local Rule 230(l) and Federal Rule of Civil Procedure 6(d), Plaintiff’s opposition or statement of non-opposition was due on or before June 9, 2025. The deadline for Plaintiff to respond to Defendant’s motion for summary judgment has expired, and

1 he has not otherwise been in contact with the Court. Plaintiff will be permitted one final
2 opportunity to show cause why this action should not be dismissed with prejudice.

3 Accordingly, it is HEREBY ORDERED that Plaintiff shall show cause by WRITTEN
4 RESPONSE within **twenty-one (21) days** of service of this order why this action should not be
5 dismissed, with prejudice, for failure to prosecute. Plaintiff may comply with the Court's order
6 by filing an opposition or statement of non-opposition to Defendant's May 14, 2025 motion for
7 summary judgment. **Plaintiff is warned that if he fails to comply with the Court's order, this**
8 **matter will be dismissed, with prejudice, for failure to prosecute.**

9
10 IT IS SO ORDERED.

11 Dated: **June 17, 2025**

12 /s/ Barbara A. McAuliffe
13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28